

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

RICHARD YARRIS, individually and on behalf of
those individuals similarly situated,

Plaintiffs,

-against-

SEARS HOLDINGS CORPORATION, SEARS
HOLDINGS MANAGEMENT CORPORATION,
and SEARS, ROEBUCK and CO.,

Defendants.

★ NOV 2014 ★

LONG ISLAND OFFICE

Civil Action No. 14-cv-05512

**STIPULATION DISMISSING DEFENDANTS SEARS HOLDINGS
CORPORATION AND SEARS HOLDINGS MANAGEMENT CORPORATION**

WHEREAS, Plaintiff's Complaint alleges violations of the Fair Labor Standards
Act, U.S.C. §§ 201 et seq. (FLSA) and the New York Labor Law §§ 190 et seq. (NYLL); and,

WHEREAS, Plaintiff's Complaint names SEARS HOLDINGS CORPORATION
(SHC) and SEARS HOLDINGS MANAGEMENT CORPORATION (SHMC) as Defendants
and putative employers under the FLSA and the NYLL, in addition to SEARS, ROEBUCK and
CO. ("Sears Roebuck"); and,

IT IS HEREBY STIPULATED, CONSENTED TO AND AGREED by and
between the Parties through their undersigned counsel as follows:

1. Sears Roebuck was Plaintiff's employer under the FLSA and the NYLL.
SHC and SHMC were not Plaintiff's employer under the FLSA and the NYLL.
2. SHC and SHMC are dismissed from this action, with prejudice.
3. The caption shall be amended accordingly to remove SHC and SHMC as
parties.

4. Sears Roebuck shall not offer any defense claiming it is not an appropriate party to this litigation, and shall not disavow responsibility for any judgment obtained by Plaintiff in this action on the ground that it is not an appropriate party.

ZABELL & ASSOCIATES, P.C.
ATTORNEYS FOR PLAINTIFF
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(631) 589-7242

By: SAUL D. ZABELL, ESQ.

Dated: 11-18-14

JACKSON LEWIS P.C.
ATTORNEYS FOR DEFENDANTS
58 South Service Rd., Ste. 410
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(631) 247-0404

By: JONATHAN M. KOZAK, ESQ.

Dated: 11-18-14

4818-2004-8416, v. 2

Stipulation not accepted
as non-compliant with
Rule II(c) of the Court's
Individual Rules. So ordered.

s/ Arthur D. Spatt

Arthur D. Spatt, U.S.D.J.

11/20/14